

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25069 of 2016

Arising Out of PS.Case No. -3246 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

- =====
1. Shashi Bhusan Kumar, son of Late Baidnath Sah, resident of Village-Govardhanpur @ Gobarsahi, P.S.- Sadar, District- Muzaffarpur.
 2. Ramesh Kumar son of Late Ganga Bhagat, resident of Village-Madhubani, P.S.- Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manish Kumar, son of Late Ganga Bhagat, resident of Village-Madhubani, P.S.- Sadar, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Panday(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-06-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 465 of the Indian Penal Code.

The prosecution case is that petitioner no. 2 Ramesh Kumar executed Power of Attorney with regard to land of the complainant appertaining to khata no. 19, plot no. 1 and area of 12 decimals and land of khata no. 157, plot no. 64 and area of 11 decimals in favour of Ram Pukar Sah, but executed the sale deed with regard to the said land in favour of petitioner no. 1 Shashi Bhushan

Kumar and Sanjay Sah and thereby misappropriated amount of Rs. 27,60,000/-.

It is submitted by the learned counsel for the petitioners that petitioner no. 2 Ramesh Kumar is the own brother of the complainant and he has sold his own share of the land. Statement to that effect has been made in para-8 of the petition. It is further submitted that co-accused Ram Prakash Sah and Sanjay Sah have been granted bail by a Coordinate Bench of this Court vide Cr. Misc. No. 6686 of 2015. This is not in dispute that the registered sale deed is still in existence.

Considering the aforesaid facts, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-VIII, Muzaffarpur in connection with Complaint Case No. 3246 of 2013, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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